

REMARKS/ARGUMENTS

Applicant has carefully reviewed and considered the Office Action mailed on July 19, 2006, and the references cited therewith.

Claims 1, 6, 12-13, 17-18, 23, and 27 are amended, and no claims are canceled or added; as a result, claims 1-30 are now pending in this application.

§ 102 Rejection of the Claims

Claims 1, 2, 12, 13, 15-18, 22-24, 26-28, and 30 were rejected under 35 USC § 102(b) as being anticipated by Kimura, et al. (U.S. Patent No. 6,796,627).

Applicant respectfully traverses the rejection as follows.

Applicant does not admit that the Kimura reference is indeed prior art and reserves the right to swear behind at a later date. Nonetheless, Applicant believes the present application can be distinguished from the Kimura reference for at least the following reasons.

Applicant's independent claims 1 and 17, as amended, each recites, "refilling of the print cartridge reservoir from the supply tank resulting from when the ink volume in the supply tank substantially equals an ink volume to refill the print cartridge reservoir to a predetermined level." The Kimura reference appears to describe, "A replenishment controller controls replenishment of ink stored in the main tank to the subtank, in accordance with the ink amount detected by the ink amount detector." (Abstract). The reference does not show refilling of a print cartridge reservoir from a supply tank resulting from when an ink volume in the supply tank substantially equals an ink volume to refill the print cartridge reservoir to a predetermined level. Rather, Kimura states that "A replenishment controller controls replenishment of ink stored in the main tank to the subtank, in accordance with the ink amount detected by the ink amount detector." (Abstract).

The Kimura reference appears to describe the "ink amount detector" as being placed in "the subtank 7" and as being comprised from "a float member 31", "a permanent magnet 32", and electromagnetic "hall devices 33a and 33b", and that "the electric output of the hall devices 33a and 33b as the permanent magnet moves

can be sensed as the ink amount in the subtank 7, and the ink replenishing valve 26 is opened based on the electric output provided by the hall devices 33a and 33b.” (Col. 6, lines 37-51). Hence, Applicant respectfully notes that “replenishment of ink stored in the main tank to the subtank”, as described in the Kimura reference, does not result from “when an ink volume in the supply tank substantially equals an ink volume to refill the print cartridge reservoir to a predetermined level”, as recited in independent claims 1 and 17, as amended.

Independent claim 12, as amended, recites, “refilling of the print cartridge reservoir resulting from when a remaining ink volume available in the supply tank substantially equals an ink volume consumed since a previous print cartridge reservoir refill.”

Independent claim 13, as amended, recites, “wherein refilling occurs resulting from when an ink volume consumed from the print cartridge reservoir since its last refill substantially equals a total ink volume remaining in the supply tank.”

Independent claim 18, as amended, recites, “transfer ink from the supply tank to the print cartridge reservoir via the pump resulting from when an ink volume remaining in the supply tank substantially equals an ink volume used to refill the print cartridge reservoir.”

Independent claim 23, as amended, recites, “transfer ink from the supply tank to the print cartridge reservoir resulting from when a total ink volume remaining in the supply tank substantially equals an ink volume to refill the print cartridge reservoir.”

In addition, independent claim 27, as amended, recites, “means for refilling the print cartridge reservoir from the supply tank resulting from when an ink volume remaining in the supply tank substantially equals an ink volume to refill the print cartridge reservoir to a predetermined level.”

Support for the amendments to independent claims 1, 12-13, 17-18, 23, and 27 is provided in the disclosure as originally presented. For example, page 13, lines 20-23, of the specification recites, “Print cartridge reservoir refilling based on

tracked printhead reservoir and supply tank ink volumes will result in a print cartridge reservoir refilled to substantially the predetermined level when the supply tank is depleted.” Additional support for the amendments can be found on: page 2, lines 1-10 and 19-23; page 7, lines 23-32; page 8, lines 12-24; page 9, lines 8-11; page 10, line 31, through page 11, line 9, and lines 28-32; page 12, lines 4-10; page 14, lines 28-30; and page 15, lines 10-13.

As such, Applicant respectfully submits that each and every element and limitation of independent claims 1, 12-13, 17-18, 23, and 27, as amended, is not present in the Kimura reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 102 rejection of independent claims 1, 12-13, 17-18, 23, and 27, as amended, as well as those claims that depend therefrom.

§103 Rejection of the Claims

Claims 3-10, 14, 25, and 29 were rejected under 35 USC § 103(a) as being unpatentable over Kimura, et al. (U.S. Patent No. 6,796,627) in view of Farr, et al. (U.S. Patent No. 6,874,861). Applicant respectfully traverses the rejection as follows.

Applicant does not admit that the Farr reference is indeed prior art and reserves the right to swear behind at a later date and/or utilize any other of the means for overcoming a § 102(e)/103(a) rejection provided by § 103(c). Nonetheless, Applicant believes the present application can be distinguished from the Kimura reference for at least the following reasons.

As stated above, the Kimura reference appears to describe, “A replenishment controller controls replenishment of ink stored in the main tank to the subtank, in accordance with the ink amount detected by the ink amount detector.” (Abstract). The Farr reference appears to describe a “printing device having a printing fluid detection system”. (Title). Neither reference shows that refilling occurs resulting from when a total ink volume remaining in a supply tank is equal to a volume which would refill a print cartridge reservoir to an initial fill level.

In contrast, Applicant's independent claim 6, as amended, recites, "wherein refilling occurs resulting from when a total ink volume remaining in the supply tank is equal to a volume which would refill the print cartridge reservoir to an initial fill level."

As such, Applicant respectfully submits that each and every element and limitation of independent claim 6, as amended, is not taught or suggested by the Kimura and Farr references, either individually or in combination. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103(a) rejection of independent claim 6, as amended, as well as those claims that depend therefrom.

In addition, claims 3-5, 14, 25, and 29 depend from independent claims 1, 12, 23, and 27, respectively. Applicant respectfully submits that independent claims 1, 12, 23, and 27, as amended, are in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103(a) rejection of dependent claims 3-5, 14, 25, and 29.

Claim 11 was rejected under 35 USC § 103(a) as being unpatentable over Kimura, et al. (U.S. Patent No. 6,796,627) as modified by Farr, et al. (U.S. Patent No. 6,874,861) as applied to claim 6 above, and further in view of Matsumoto, et al. (JP 2002-029041). Applicant respectfully traverses the rejection as follows.

Claim 11 depends from independent claim 6. Applicant respectfully submits that independent claim 6, as amended, is in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103(a) rejection of dependent claim 11.

Claim 19 was rejected under 35 USC § 103(a) as being unpatentable over Kimura, et al. (U.S. Patent No. 6,796,627) in view of Shibata, et al. (U.S. Patent No. 5,561,453). Applicant respectfully traverses the rejection as follows.

Claim 19 depends from independent claim 18. Applicant respectfully submits that independent claim 18, as amended, is in condition for allowance.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103(a) rejection of dependent claim 19.

Claims 20 and 21 were rejected under 35 USC § 103(a) as being unpatentable over Kimura, et al. (U.S. Patent No. 6,796,627) as modified by Shibata, et al. (U.S. Patent No. 5,561,453), as applied to claim 19 above, and further in view of Hahs, et al. (U.S. Patent No. 5,710,579). Applicant respectfully traverses the rejection as follows.

Claims 20 and 21 depend from independent claim 18. Applicant respectfully submits that independent claim 18, as amended, is in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103(a) rejection of dependent claims 20 and 21.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney Gregg W. Wisdom at (360) 212-8052 to facilitate prosecution of this matter.

At any time during the pendency of this application, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: **MS AMENDMENT** Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 16th day of October, 2006.

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